

1
2
3
4
5
6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
10

11 STEPHEN B. TURNER,

No. C 12-6231 MMC

12 Plaintiff,

**ORDER DENYING MOTION TO MODIFY
SETTLEMENT AGREEMENT AND
MOTION TO VACATE JANUARY 3, 2014
ORDER**

13 v.

14 DUSTIN TIERNEY,

15 Defendant.
16 _____/

17
18 Before the Court are two motions, "Motion to Modify Settlement Agreement" and
19 "Request to Vacate the January 3, 2014 Order of Dismissal as Settlement Has Not
20 Executed," both filed October 20, 2014, by plaintiff Stephen B. Turner. Defendant Dustin
21 Tierney has filed opposition, to which plaintiff has replied. Having read and considered the
22 papers filed in support of and in opposition to the motions, the Court finds the matters
23 appropriate for decision on the parties' respective written submissions, VACATES the
24 hearing scheduled for December 5, 2014, and rules as follows.

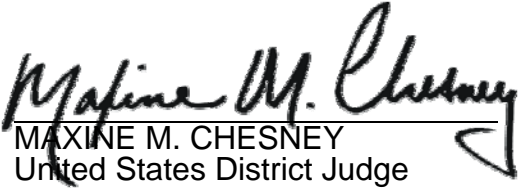
25 By order filed January 3, 2014, in light of the parties' having reached a settlement
26 and having placed said settlement on the record, the Court dismissed plaintiff's claims
27 without prejudice and further provided therein that such dismissal would be vacated and the
28 action restored to the calendar should any party, within 180 days, certify that the
consideration for the settlement had not been delivered. The above-referenced motions

1 were filed more than nine months after the Court entered its order of dismissal.

2 Accordingly, the motions are hereby DENIED as untimely.

3 **IT IS SO ORDERED.**

4
5 Dated: November 17, 2014

6 
MAXINE M. CHESNEY
United States District Judge